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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/652,432	08/31/2000	John M. Davis	INTL-0436-US (P9448)	3794

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EXAMINER

MASTRACCI, DARYL R

ART UNIT

PAPER NUMBER

2155

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DATE MAILED: 10/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/652,432

Applicant(s)

DAVIS, JOHN M.

Examiner

Daryl Mastracci

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 August 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 August 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

### **DETAILED ACTION**

Claims 1-30 are pending in this Office Action.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 26 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 26 recites the limitation "the method" in line 1. There is insufficient antecedent basis for this limitation in the claim.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 5-9, 11-13, 15-19, 21-24, and 26-30 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent No. 6,389,132 B1 issued to Price.

With respect to claim 1, Price teaches a method comprising: receiving a client request for help related to a web page (col. 2, line 62- col. 3, line 10, lines 57-65); and automatically providing information to remotely access said web page (col. 3, lines 11-26; col. 5, lines 3-10).

Claim 11 is essentially the same as claim 1, and is rejected on the same basis. Price teaches the further limitation an article comprising a medium storing instructions that enable a processor-based system to (Fig. 1).

Claim 21 is essentially the same as claim 1, and is rejected on the same basis. Price teaches the further limitation a processor (Fig. 1); and a storage coupled to said processor (Fig. 1).

With respect to claim 2, Price teaches the method of claim 1 including automatically initiating a chat session in response to the client request for help (col. 3, lines 62-65; col. 4, lines 50-63).

Claim 12 is essentially the same as claim 2, and is rejected on the same basis.

Claim 22 is essentially the same as claim 2, and is rejected on the same basis.

With respect to claim 3, Price teaches the method of claim 2 including automatically initiating the chat session with a help service provider in response to the client request for help (col. 5, lines 3-10, 15-23).

Claim 13 is essentially the same as claim 3, and is rejected on the same basis.

Claim 23 is essentially the same as claim 3, and is rejected on the same basis.

With respect to claim 5, Price teaches the method of claim 1 wherein receiving the client request for help includes providing a client agent [contact server] which

obtains a Uniform Resource Locator identifying the web page and forwards the Uniform Resource Locator to a remote processor-based system [agent] (Fig. 1; col. 2, line 62- col. 3, line 35; col. 4, lines 27-32).

Claim 15 is essentially the same as claim 5, and is rejected on the same basis.

Claim 24 is essentially the same as claim 5, and is rejected on the same basis.

With respect to claim 6, Price teaches the method of claim 5 further including collecting information about a client and forwarding said information to the remote system (col. 2, line 62- col. 3, line 35).

Claim 16 is essentially the same as claim 6, and is rejected on the same basis.

With respect to claim 7, Price teaches the method of claim 1, and also requesting live help from a web page (col. 3, lines 1-10), which is equated with wherein receiving the client request for help includes receiving a client selection of a help icon.

Claim 17 is essentially the same as claim 7, and is rejected on the same basis.

With respect to claim 8, Price teaches the method of claim 7 including extracting information about a remote processor-based system from said web page [interpreted as contacting agent from web page] (col. 3, lines 1-35).

Claim 18 is essentially the same as claim 8, and is rejected on the same basis.

With respect to claim 9, Price teaches the method of claim 1 including initiating a chat session between a remote processor-based system [agent] and said client (col. 3, lines 62-65; col. 4, lines 50-63).

Claim 19 is essentially the same as claim 9, and is rejected on the same basis.

With respect to claim 26, Price teaches the method comprising: receiving information about a web page accessed by a processor-based system (col. 2, line 62-col. 3, line 10, lines 57-65); and using said information to simultaneously access the same web page (col. 3, lines 4-10; col. 4, lines 27-32).

Claim 28 is essentially the same as claim 26, and is rejected on the same basis. Price teaches the further limitation an article comprising a medium storing instructions that enable a processor-based system to (Fig. 1).

Claim 30 is essentially the same as claim 26, and is rejected on the same basis. Price teaches the further limitation a processor (Fig. 1); and a storage coupled to said processor (Fig. 1).

With respect to claim 27, Price teaches the method of claim 26 including implementing a chat session with the processor-based system at the same time said web page is being accessed (col. 3, lines 8-10; col. 4, lines 27-32, 50-63).

Claim 29 is essentially the same as claim 27, and is rejected on the same basis.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4, 10, 14, 20, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Price.

With respect to claim 4, Price teaches the method of claim 1. Price also teaches requesting live help from a web page (col. 3, lines 1-10), receiving help from an available agent in response to the request (col. 4, lines 25-32), and sharing a web page that both customer and agent are drawing on (col. 4, lines 31-32). However, Price does not explicitly state automatically initiating a web refresh in response to a client request for help. It would have been obvious to a person of ordinary skill in the art at the time of the invention to incorporate an automatic web page refresh, into Price, when sharing a web page between customer and agent and a change is made or help is given related to the web page. One of ordinary skill in the art would use a web page refresh to update the web page when changes are made while receiving live help using synchronous web pages. This is advantageous for both the customer and agent in seeing the live help being given for the displayed web page as it occurs (col. 3, lines 8-10).

Claim 14 is essentially the same as claim 4, and is rejected on the same basis.

With respect to claim 10, Price teaches the method of claim 9. Price also teaches providing live help via live web-based text (col. 3, lines 9-10; col. 4, lines 27-32, 50-63), but does not explicitly state overlaying a chat dialog box over said web page. It would have been obvious to a person of ordinary skill in the art at the time of the invention to overlay the live web-based text, as taught by Price, over the currently displayed webpage. One of ordinary skill in the art would incorporate the live text in a box on top of the web page, especially when the live text is in response to providing help for a web page and it is important that the web page be viewed while providing and

receiving help. This is advantageous for both the customer and agent in viewing the live text while concurrently displaying the web page (col. 3, lines 9-10; col. 4, lines 27-32, 50-63).

Claim 20 is essentially the same as claim 10, and is rejected on the same basis.

Claim 25 is essentially the same as claim 10, and is rejected on the same basis.

### ***Prior Art***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent No. 6,256,620 B1 issued to Jawahar et al.

US Patent No. 6,289,333 B1 issued to Jawahar et al.

US Patent No. 6,298,356 B1 issued to Jawahar et al.

US Patent No. 6,377,944 B1 issued to Busey et al.

US Patent No. 6,449,646 B1 issued to Sikora et al.

US Patent No. 6,519,628 B1 issued to Locascio et al.



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**Contact Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daryl Mastracci whose telephone number is (703) 305-0325. The examiner can normally be reached on Monday-Friday (8:30-5).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on (703) 308-6662. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-

3900.



DRM  
October 14, 2003

  
**FRANTZ B. JEAN**  
**PRIMARY EXAMINER**